

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2011-001267

02/06/2012

JUDGE M. SCOTT MCCOY

CLERK OF THE COURT  
A. Ocanas  
Deputy

IN RE THE MATTER OF  
NANEA AUMUA

NANEA AUMUA  
UP

AND

THOMAS C WATKINS JR.

THOMAS C WATKINS JR.  
923 E CARSON RD  
PHOENIX AZ 85042

DOCKET-FAMILY COURT CCC  
FAMILY COURT SERVICES-CCC

MINUTE ENTRY

Courtroom 606 – CCB

1:41 p.m. This is the time set for an Evidentiary Hearing regarding Petitioner/Mother's Petition to Modify Parenting Time and Child Support filed on September 27, 2011 and a Return Hearing regarding Mother's Petition to Enforce Child Support Arrears and Spousal Maintenance Arrears filed on January 31, 2012. Petitioner/Mother, Nanea Aumua, is present on her own behalf. Respondent/Father, Thomas C. Watkins Jr., is present on his own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Upon Petitioner's request,

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**IT IS ORDERED** directing the Docketing Department of the Clerk of Court to change the name on the caption of the case for Petitioner from Nanea Watkins to Nanea Aumua immediately.

Nanea Aumua and Thomas Watkins are sworn.

Nanea Aumua testifies.

Thomas Watkins testifies.

Based on the testimony presented,

**IT IS ORDERED** denying Mother's Petition to Modify filed on September 27, 2011.

**IT IS FURTHER ORDERED** affirming the parties' current custody and parenting time orders as entered on May 5, 2011, except that Father shall have the children bathed prior to returning them to Mother's care or Father shall return the children at 7:00 p.m. if he is unable to bathe the children.

**IT IS FURTHER ORDERED** that the parties shall comply with the Court's additional custody/parenting time orders as follows:

1. Neither parent shall expose the child to any incidents of domestic violence or extreme or hostile conflict or language. Neither parent shall expose the child to derogatory comments about the other parent or the relatives or friends of the other parent. The parents shall neither argue nor insult each other in the presence of the child or allow a third party to do so. Neither parent shall frighten the child by saying things such as that the other parent is trying to take him/her away, the other parent does not love him/her, want to see him/her, or is interfering with visits.
2. The parents shall not discuss custody, parenting time or child support issues in the presence of or with the child. The parents shall ensure that the child is not exposed to any discussion of custody disputes or legal proceedings other than to assure the child that the parents are trying to work out appropriate arrangements so that the child can have frequent and regular access to both parents.
3. The parents shall not question the child about where he/she wants to live. The parents shall not question the child about the personal life of the other parent. The parents shall not express to the child how angry they are at the other parent, how they doubt the

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trustworthiness of the other parent or how hurt or frustrated they are by the actions of the other parent.

4. The parents are encouraged to communicate by e-mail and/or facsimile. Except for minor questions or emergencies, the parents are to afford each other reasonable time to consider and respond to requests or inquiries. However, e-mail and/or facsimile communications should be responded to within 24 hours. If the parents do not have e-mail or fax available to them, telephonic communication is allowed.

5. Each parent is restrained from using or permitting others to use the child to convey oral or written messages between households. Communications should take place directly between adult household members and the child should be protected from involvement in adult issues, for example, changes in the parenting time schedule.

6. Neither parent shall treat the child, or allow the child to be treated by any third party in the home, in a different manner than they treat the other child in the home, simply because the child has a relationship with the other parent or spends time with the other parent.

7. The child shall have phone access to both parents at all times. The child shall be given privacy during phone calls and there shall be no interference with phone access.

8. Both parents shall be listed as emergency contacts on any such forms that require contact information such as, but not limited to, education, activities, childcare and/or medical providers.

9. During exchanges, the parties shall make every effort to be polite and respectful to each other. Interaction between the parents shall be restricted to the orderly exchange of the child. The parents are not to use the exchanges of the children or other circumstances in which the child is present to share information with one another, make requests of one another, engage in negotiations, or related activities.

10. Pursuant to A.R.S. § 25-403.06, unless otherwise provided by Court order or law, on reasonable request, both parents are entitled to have equal access to documents and other information concerning the child's education and physical, mental, moral and emotional health including medical, school, police, court and other records directly from the custodian of such records or from the other parent.

11. No petition to modify the existing Court orders regarding custody and parenting time shall be filed without the parties first attempting to resolve their dispute through mediation with their assigned parenting coordinator, private mediation, or Conciliation Services.

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**EVIDENTIARY HEARING SET**

**IT IS ORDERED** setting an Evidentiary Hearing regarding Petitioner's Petition to Enforce as follows:

**IT IS FURTHER ORDERED** with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 60 days prior to the hearing.
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed at least 15 days prior to the hearing.
3. Counsel and both parties shall personally meet, face to face, at least 20 days prior to the hearing to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial institution, company or business, medical or health care provider, or employer possessing any relevant and discoverable information.
5. **Continuances.** Motions to continue the Evidentiary Hearing filed more than 45 days before the hearing will not be granted absent a showing of good cause. Motions to continue the hearing filed less than 45 days before the hearing will not be granted absent a showing of extraordinary circumstances.

**IT IS ORDERED** setting Evidentiary Hearing to the Court regarding Petitioner's Petition to Enforce on **March 13, 2012 at 1:30 p.m.** (1 hour allowed) before:

The Honorable M. Scott McCoy  
Maricopa County Superior Court  
Central Court Building  
201 W. Jefferson  
Courtroom 606  
Phoenix, AZ 85003

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Failure of a party to appear may result in the Court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument. The parties are expected to complete the hearing in the allotted time, and the time will not be extended absent a motion granted by the Court and filed at least 30 days prior to the hearing setting forth good cause to extend the time and specifically including a list of each and every witness who will testify and an estimate of time and subject matter of the expected testimony for each witness.

**IT IS FURTHER ORDERED** that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 business days prior to the hearing.

**IT IS FURTHER ORDERED** that the Joint Pre-hearing Statement shall include:

1. A current Affidavit of Financial Circumstances completed by each party.
2. If there are disputed custody, access or visitation issues, a specific proposal for custody and parenting time.
3. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
4. If the parties have a natural or an adopted minor unemancipated child in common, proof of compliance with the Parental Education Program requirements of A.R.S. § 25-351 et seq.
5. If there are disputed issues regarding division of property, a current and detailed Inventory of Property and Debts, together with a summary proposal by each party as to how the property and assets should be divided. If possible, the court prefers a one-page statement of all property except personal property items valued at less than \$500 each.
6. If spousal maintenance is requested and disputed, each party shall state the amount and duration of spousal maintenance requested.
7. If division of debts is an issue, the parties shall prepare and exchange a list of all debts, including creditor's name, amount of debt, monthly payment amount, the reason the debt

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was incurred, who should pay the debt, and all of the information required by A.R.S. § 25-318(H).

8. If there is a disputed issue regarding the payment of attorney's fees by either party, an affidavit of the attorney's fees claimed submitted in accordance with the requirements of Rule 78(D), Arizona Rules of Family Law Procedure.

**IT IS FURTHER ORDERED** that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 76(D) and 91(Q), Arizona Rules of Family Law Procedure, including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

**IT IS FURTHER ORDERED** that if either party has exhibits to be marked, all exhibits shall be delivered to the Clerk of this Division **at least five (5) business days prior to the hearing.** Duplicate exhibits shall not be presented. The parties shall also provide the Court and the adverse party with a separate copy of all exhibits. **All exhibits must be clearly identified, stapled separately and separated by a COLORED sheet, and shall be hand-delivered directly to this Division at least five (5) business days prior to the hearing, located in Suite 6E of the Central Court Building.** Failure to submit all exhibits by that date will result in those items being prohibited from being utilized at the hearing. **Exhibits shall not be delivered to the mailbox or to Court Administration.**

**IT IS FURTHER ORDERED** that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

**NOTICE**

You may request conclusions of fact and law on the following issues, if they are contested: the issues of child custody, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the court before the trial or the evidentiary hearing. If you make a written request before the trial or evidentiary hearing, the court will make conclusions of fact and law as part of the final decision.

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If any party asks the court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pretrial Statement.

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 70, Arizona Rules of Family Law Procedure. Should the parties reach a full agreement prior to the date of the hearing, the Court will consider a motion to vacate the hearing **ONLY AFTER A SIGNED STIPULATED AGREEMENT IS PRESENTED TO THE COURT.**

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

2:23 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.